

UNITED STATES DISTRICT COURT

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF GA.

for the

SOUTHERN District of GEORGIA

2022 SEP 12 AM 07

11th DivisionS. DIST. CLERK
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF GA.CV 422 214

Case No.

(to be filled in by the Clerk's Office)

Humberto Mendez Alonso et, al;

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

SHERIFF John T. Witcher (in his individual capacity)

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

Please appoint counsel.

Petitioner is civil/immigration detainee along with a couple of other detainees that can speak little or no English.

(6 attachments)

(* Jail does not recognize civil complaints at pro-se status)

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS

(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

I. The Parties to This Complaint**A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Humberto Mender Alonso #2022030510All other names by which
you have been known:Chatham County Action Center

ID Number

1074 Carl Griffin Dr.

Current Institution

Savannah GA 31405

Address

City

State

Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

SHERIFF John T. WilcherJob or Title (*if known*)in his official capacity

Shield Number

in his individual capacity

Employer

1050 Carl Griffin Drive

Address

Savannah

City

GA

State

31405

Zip Code

 Individual capacity Official capacity

Defendant No. 2

Name

Job or Title (*if known*)

Shield Number

Employer

Address

City

State

Zip Code

 Individual capacity Official capacity

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

Defendant No. 3

Name _____

Job or Title (*if known*) _____

Shield Number _____

Employer _____

Address _____

City _____

State _____

Zip Code _____

 Individual capacity Official capacity

Defendant No. 4

Name _____

Job or Title (*if known*) _____

Shield Number _____

Employer _____

Address _____

City _____

State _____

Zip Code _____

 Individual capacity Official capacity**II. Basis for Jurisdiction**

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (*check all that apply*):

Federal officials (a *Bivens* claim)
 State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

*4th, 5th & 14th Amendments to the U.S. Constitution
 (8th) TCE-2011 (PB NDS)*

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed. *The Chatham County Sheriff is personally responsible for the vast unconstitutional practices being conducted at the Chatham County Jail which include (but are not limited to), poor medical care, opening and copying legal mail, locking down detainees for over 20 hours a day, small portions of food, removing all radios, etc.*

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- Pretrial detainee
- Civilly committed detainee
- Immigration detainee
- Convicted and sentenced state prisoner
- Convicted and sentenced federal prisoner
- Other (explain) _____

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

(See additional attachments)

A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

— NA —

B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

In the Chatham County Detention Center, we are locked down for an avg. of 22½ hours a day. ~~we were~~ stripped searched along with other detainees in June of 2022. I had a serious medical condition that was ignored in June of 2022 that resulted in a lot of swelling and pain and drainage of puss and blood. We have no radios like other county jails or prisons. The food is small portions. They are opening and copying our legal mail

C. What date and approximate time did the events giving rise to your claim(s) occur?

June 2022 to present.

Ever since 2020 with lockdown schedule

2021 - (opening and copying legal mail) to present

There are no radios and no access to the dayroom that is reasonable.

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

My roommate had to tell the officer late at night on 6/18/22 that my face was swollen and blood and puss was draining out of my ear. I was in so much pain I could not sleep. My english is not as good as I need. I have other detainees fill out my medical request on the kiosk but I was put off until my condition worsened. We are locked down too much.

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

Face swelling, ear swollen, lots of puss and blood draining out of my ear, not being able to sleep for several days. Lots of stress and anxiety.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

An injunction, A TRO. Nominal, punitive and compensatory damages ^(\$50,000). Changes in jail policies and food menu and portions. More time out of cells. No more of the jail copying our legal mail without testing it for contraband. An oversight committee. and any relief deemed suitable by the court. Declaratory Relief.

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes

No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

CHATHAM COUNTY DETENTION CENTER
1050 CARL GRIFFIN DRIVE
SAVANNAH GA 31405

B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

Yes

No

Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

Yes

No

Do not know

If yes, which claim(s)?

Not sure. I had to have other detainees fill out my request on kiosk. I know very little of the rights entitled to me as an illegal immigrant.

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

Yes

No

(But others on the signature list have)

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes

No

E. If you did file a grievance:

1. Where did you file the grievance?

I know nothing of my rights. I am learning of that as of now.

2. What did you claim in your grievance?

3. What was the result, if any?

We requested changes in policies and requested help. No help was given.

I ask the officers every day.

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

← NA →

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

I did not know how to navigate the kiosk for the many months I was detained. Other detainees help me fill out request because that's all I knew.

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

I informed several wing officers and nurses that came into our wing.

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

I had other roomates who did file grievances and requested changes from the administration but things in here are worse than prison conditions.

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The “three strikes rule” bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has “on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this “three strikes rule”?

Yes

No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

NA

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A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes

No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s)

— NA —

Defendant(s)

2. Court (if federal court, name the district; if state court, name the county and State)

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

Yes

No

If no, give the approximate date of disposition.

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

— NA —

C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

NO

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

Yes

No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)

1. Parties to the previous lawsuit

Plaintiff(s)

NA

Defendant(s)

2. Court (if federal court, name the district; if state court, name the county and State)

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

Yes

NA

No

If no, give the approximate date of disposition

7. What was the result of the case? (For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)

NA

IX. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: JUNE 11th 2022

Signature of Plaintiff

Humberto Mendez Alonso

Printed Name of Plaintiff

Humberto Mendez Alonso

Prison Identification #

#2022030510

Prison Address

1074 Carl Griffin Drive

Savannah GA 31405

City

State

Zip Code

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address

soft

06/18/22

My head started hurting on Tuesday. A little bit then on Thursday my ear started draining puss and blood (with loss of a noticeable amount) accompanied with lots of throbbing and intense pain. The pain is all around the top of my head. Today, Saturday, June 18th, 2022, the pain is getting worse. I have already put in medical request several times. I really need to see a doctor immediately. I think my head and ear is infected because it is continuing to drain blood and puss and my lower ear and neck are swelling badly. It is so much pain that I cannot go to sleep. The nurse only tells me to wait or to keep putting it in on the kiosk. She gave me some medicine but it only lasted for a little while. I need medical attention immediately!

HUMBERTO MENDEZ ALONSA

X Humberto #2022030510

CELL #23 UNIT 4A

(I also feel like I'm going to pass out sometimes.)

(Also we are locked down too much. I need more time out of my cell. We have nothing to do in here but wait. I am ready to go home.)

1023

Jail Conditions

The conditions at the Chatham County Detention Center, located at 1050 Carl Griffin Drive, Savannah Ga are oppressive and violate several human rights laws as well as the constitution. The rules and the jail's method of operation also is not consistent with the many other jails in the entire nation. The conditions are worse than prison conditions. There are no radios in this facility and the portions of food we are served are not of a sufficient caloric intake for a full grown man. We are locked down for an average of 22½ hours a day and we are forced to eat all food and meals in our small cells. My unit is 6B and there is no fire exit to the outside in our unit. The lights are on all day and the doors and flaps are so heavy, that they are slammed all the day long. The noise is unnerving and my stress is becoming unbearable. This facility is not equipped for long term stay yet I have seen people in here on average of 2 years. I am going on 1 year. Also we are being recklessly exposed to COVID. On 8/12/22, I and other older detainees were told that we were being moved to a better unit but this is the very unit where it was just used as a quarantine for sick detainees with COVID. We were locked down for almost 48 hours without being allowed to clean our cells or shower. Not soon after, some of the detainees were infected with COVID and we were placed on quarantine for 14 days. There was not even an announcement given to us.

2 of 3

After being placed on quarantine we were also restricted on our spending limit in commissary. The items are already priced very high for small portions of food and now because we are quarantined we are only allowed \$30.⁰⁰ dollars. This makes no sense. None of us can afford to be sick and underfed. Also this unit has very little sunlight. I feel so unhealthy in this place. There are rules in place where they won't even allow us to communicate with detainees who are locked down and not on the same recreation schedule as us.

The grievance system is becoming useless because they often don't respond to substantial request to fix problems that they know violate the constitution. There are other units that are better suited for older detainees that don't have double bunking in smaller cells. This unit has all the features of a disciplinary unit. We need changes in jail policy immediately. This feels just like punishment. The long hours are stressing me out. Eating in a cell next to a toilet everyday can't be healthy. We are not allowed at all to eat any food in the dayroom. We are written disciplinary ~~set~~ sanctions for doing so. The lights are super bright and are on all day. We have no control of the lights. Also we have bunks that have flawed ladders. There is no safe

way to access the bunk and get down. We have told the staff this. We were locked down for almost 48 hours without being able to clean these cells noting that these cells were being used as a quarantined dorm before they moved us over here, consequently, it wasn't even a week before detainees started catching COVID, two of the trustees were tested as positive. We were then placed on quarantine for 14 days. This is utter madness. We don't have access to our day room because we are still locked in smaller cells for almost the entire day. This feels exactly like punishment and torture. We need help because the jail administration won't change these things because the current schedule accommodates them. Our rights are being infringed upon every day in this facility at the Chatham County Detention Center. Also we are being extorted in commissary prices. None of us have jobs and we are forced to pay hiked prices for minuscule portions of food. No bargain or bulk items are available seeing we are spending far too much time in this facility. Being locked down like this is worse than prison conditions. The grievance system is not accessible to us because it is all digital. The jail gives us no paper copies of grievances. We need court order to obtain copies of grievances.

Declaratory Statement

101

MY NAME IS RANDELL BARNEIS I'M BEING DETAINED AT THE CHATHAM COUNTY DETENTION CENTER IN SAVANNAH GA. UNIT 6B. IN WRITING TO COMPLAIN ABOUT SEVERAL SAFETY CONDITIONS. FIRST & FOREMOST THE BUNK BEDS ONLY HAVE ~~ONE~~ ONE LADDER WRUNG & NO HAND HOLD, THERE IS NOTHING TO HOLD ON TO. THEY ARE UNSAFE & IMPOSSIBLE TO USE.

SECONDLY I WOULD LIKE ADDRESS THE ISSUE OF THE FIRE EXITS. THERE ARE NO FIRE EXITS THAT LEAD TO OUTSIDE, THE FIRE EXITS LEAD TO A STAIR CASE, IT'S UNSAFE, BECAUSE IF A FIRE WAS TO BREAK OUT IT'S POSSIBLE FOR US TO GET TRAPPED AND DIE FROM SMOKE INHALATION.

I HAVE BEEN DETAINED HERE FOR ELEVEN MONTHS SO FAR (NOT ONLY IN THIS UNIT.) AND HAVE NEVER WITNESSED THE STAFF RUN A FIRE DRILL. THERE IS ONLY ONE STAIR CASE IN THIS UNIT THAT LEADS TO THE LOWER LEVEL OF THE DORM LB. IF A FIRE WAS TO BREAKOUT IT WOULD BE ~~POSSIBLE~~ CRAZY ~~AS~~ AS THE FIRE EXIT IS ON THE TOP RANGE AND LIKE I SAID LEADS TO ANOTHER STAIR CASE. IT WOULD BE EQUAL TO BE IN THE WORLD TRADE CENTER ONLY WITH NO WINDOW TO JUMP OUT.

OPPRESSIVE JAIL CONDITIONS

* Jose Torres Gomez

James Blige 20220500516552

Dempsey Walker 2022010396

HyBhean Gibbs 2019120240

Larry Bennett 202001108H.G

(08/12/22 (UB Rm #9) Andre Golden 202206049619509 Andre Golden

Alexander Holmes 2022060120

Shawn Bolden 2021050106

Atravien Richardson 2020010636

William Garnto 2022070057

Roderigo Washington Jr 2022050254

Thomas F. McCleskey, II 202010350

James L. Wilson 2022060880118

Michael E Marcos 20220600291313

ERIC DESTHAWN AARON 2017101064

LES Farmer 220401049148

* Humberto Mendez 2022030510

* Salvador Diaz 2022060223

Terry Lynch 2021010402

Brandon Macrae 2022030259

Alfonso Warner 2022060281

(08/12/22 (UB Rm #9) Timothy Biggins 2022030613

Jarell Horne 2021020151

Kouell Miller 202010302

Larry Baker 2109013

Michael Forrest 2022080005

* civil detainees /immigration



RECEIVED

U.S. Marshals Service
Savannah Georgia

Attn. Clerk
U.S. District Court for
the Southern District of
Georgia

U.S. Courthouse
125 Bull Street, Room 304,
Savannah GA 31401

RECEIVED

U.S. Marshals Service
Savannah Georgia

Cheltenham County Sheriff's Complex
This notice is being issued by an inmate
now in U.S. confinement at 5:00 AM, The
Cheltenham County Sheriff's Complex, located at
1000 Cheltenham Avenue, Philadelphia, Pennsylvania, 19107.

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now in U.S. confinement at 5:00 AM, The
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